

Subpart B—Federal Maritime Security Coordinator (FMSC) Designation and Authorities

§ 103.200 Designation of the Federal Maritime Security Coordinator (FMSC).

The COTPs are the Federal Maritime Security Coordinators for their respective COTP zones described in 33 CFR part 3, including all ports and areas located therein.

§ 103.205 Authority of the COTP as the Federal Maritime Security Coordinator (FMSC).

(a) Without limitation to the authority vested in the COTP by statute or regulation, and in addition to authority prescribed elsewhere in this part, the COTP as the FMSC is authorized to:

- (1) Establish, convene, and direct the Area Maritime Security (AMS) Committee;
- (2) Appoint members to the AMS Committee;
- (3) Develop and maintain, in coordination with the AMS Committee, the AMS Plan;
- (4) Implement and exercise the AMS Plan; and
- (5) Maintain the records required by § 103.520 of this part.

(b) The authorizations in paragraph (a) of this section do not limit any other existing authority of the COTP.

Subpart C—Area Maritime Security (AMS) Committee

§ 103.300 Area Maritime Security (AMS) Committee.

(a) The AMS Committee is established under the direction of the COTP and shall assist in the development, review, and update of the AMS Plan for their area of responsibility. For the purposes of this subchapter, Port Security Committees that were established prior to July 1, 2003, according to guidance issued by the Coast Guard, may be considered AMS Committees, provided they conform to the procedures established by this part and satisfy the membership requirements of § 103.305 of this part.

(b) The AMS Committee will operate under terms specified in a written

charter. At a minimum, the charter must address:

- (1) The AMS Committee's purpose and geographic area of responsibility;
- (2) Rules for membership;
- (3) The AMS Committee's organizational structure and procedural rules of order;
- (4) Frequency of meetings, to include not less than once in a calendar year or when requested by a majority of the AMS Committee members;
- (5) Guidelines for public access to AMS Committee meetings and records; and
- (6) Rules for handling and protecting classified, sensitive security, commercially sensitive, and proprietary information.

§ 103.305 Composition of an Area Maritime Security (AMS) Committee.

(a) An AMS Committee will be composed of not less than seven members having an interest in the security of the area and who may be selected from—

- (1) The Federal, Territorial, or Tribal government;
- (2) The State government and political subdivisions thereof;
- (3) Local public safety, crisis management and emergency response agencies;
- (4) Law enforcement and security organizations;
- (5) Maritime industry, including labor;
- (6) Other port stakeholders having a special competence in maritime security; and
- (7) Port stakeholders affected by security practices and policies.

(b) At least seven of the members must each have 5 or more years of experience related to maritime or port security operations.

(c) Members appointed under this section serve for a term of not more than five years. In appointing members, the FMSC should consider the skills required by § 103.410 of this part. With the exception of credentialed Federal, state and local officials, all AMS Committee members shall have a name-based terrorist check from TSA, hold a TWIC, or have passed a comparable security threat assessment, if

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they need access to SSI as determined by the FMSC.

[USCG–2003–14733, 68 FR 39290, July 1, 2003, as amended at 68 FR 60482, Oct. 22, 2003; USCG–2006–24196, 72 FR 3579, Jan. 25, 2007]

§ 103.310 Responsibilities of the Area Maritime Security (AMS) Committee.

(a) The AMS Committee shall:

(1) Identify critical port infrastructure and operations;

(2) Identify risks (threats, vulnerabilities, and consequences);

(3) Determine mitigation strategies and implementation methods;

(4) Develop and describe the process to continually evaluate overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and

(5) Provide advice to, and assist the COTP in, developing the AMS Plan.

(b) The AMS Committee shall also serve as a link for communicating threats and changes in MARSEC Levels, and disseminating appropriate security information to port stakeholders.

Subpart D—Area Maritime Security (AMS) Assessment

§ 103.400 General.

(a) The Area Maritime Security (AMS) Committee will ensure that a risk based AMS Assessment, is completed and meets the requirements specified in §103.310 of this part and §101.510 of this subchapter, incorporating the elements specified in §103.405 of this part.

(b) AMS Assessments can be completed by the COTP, the AMS Committee, a Coast Guard Port Security Assessment team, or by another third party approved by the AMS Committee.

(c) Upon completion of each AMS Assessment, a written report, which is designated sensitive security information, must be prepared consisting of:

(1) A summary of how the AMS Assessment was conducted;

(2) A description of each vulnerability and consequences found during the AMS Assessment; and

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(3) A description of risk reduction strategies that could be used to ensure continued operation at an acceptable risk level.

§ 103.405 Elements of the Area Maritime Security (AMS) Assessment.

(a) The AMS Assessment must include the following elements:

(1) Identification of the critical Marine Transportation System infrastructure and operations in the port;

(2) Threat assessment that identifies and evaluates each potential threat on the basis of various factors, including capability and intention;

(3) Consequence and vulnerability assessment for each target/scenario combination; and

(4) A determination of the required security measures for the three MARSEC Levels.

(b) In order to meet the elements listed in paragraph (a) of this section, an AMS Assessment should consider each of the following:

(1) Physical security of infrastructure and operations at the port;

(2) Structures considered critical for the continued operation of the port;

(3) Existing security systems and equipment available to protect maritime personnel;

(4) Procedural policies;

(5) Radio and telecommunication systems, including computer systems and networks;

(6) Relevant transportation infrastructure;

(7) Utilities;

(8) Security resources and capabilities; and

(9) Other areas that may, if damaged, pose a risk to people, infrastructure, or operations within the port.

(c) AMS Assessments are sensitive security information and must be protected in accordance with 49 CFR part 1520.

§ 103.410 Persons involved in the Area Maritime Security (AMS) Assessment.

The persons carrying out the AMS Assessment must have the appropriate skills to evaluate the security of the port in accordance with this part. This includes being able to draw upon expert assistance in relation to: